

The Hamilton County Board of Commissioners met on Monday, April 22, 2002 in the Commissioner's Courtroom in the Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session. President Clark called the public meeting to order at 1:45 pm. A quorum was declared present of Commissioner Steven C. Dillinger, Commissioner Steven A. Holt and Commissioner Sharon R. Clark. The Pledge of Allegiance was recited. Commissioner Holt left the meeting.

Executive Session Memoranda:

Dillinger motioned to approve the Executive Session Memoranda of April 22, 2002. Clark seconded. Motion carried unanimously.

Holt returned to the meeting.

Bid Openings: (Tape 1, #280)

Bridge #144, Oak Road over Cool Creek:

Mr. Michael Howard opened the bids for Bridge #144, Oak Road over Cool Creek. Form 95, Non-Collusion Affidavit, Bid Bond, Financial Statement and Acknowledgment of One Addendum are included unless otherwise noted. 1) American Contracting Services, Inc. - \$317,512.50. 2) Milestone Contractors - \$275,489.70. 3) Erber & Milligan Construction - \$192,481.75. 4) George R. Harvey & Sons - \$199,065.97. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation at the next meeting. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Kingsborough Subdivision Removal of Trees: (Tape 1, #365)

Mr. Les Locke stated the Highway Department's position on the trees in the Kingsborough Subdivision is that there were trees planted without authorization of permit of the highway department after having told the developer over a period of several years that he was not allowed to install the trees. The Highway Department has a policy that does not allow trees to be planted between the curb and sidewalk primarily because of the under drains in that area which can be clogged by tree roots. The long term problem is that the under drains are put in to protect the street and drain the water away from the street. This system does serve the home's sump pumps in basements and crawl spaces. If any of that were to plug up then water would back up into the basements and crawl spaces of the houses. If any of those were damaged in the future, they would feel the county would be responsible to come back and pay for the damages to the house because we did not maintain the underground system. Under drains are part of the regulated drain system, so they are maintained by the Drainage Board. It is his understanding that it is a standard process that if street trees are to be planted in that area, the under drains are taken out of the regulated drain system and become the highway department's responsibility to maintain. With the type of piping currently used in the underdrain system it is not very easy or it would damage the pipe to use standard root cutter tools that we use to keep roots cleaned out of these pipes. The other issue we have is the concern about site distance and safety and the relationship of these trees to the road. Anytime you get a tree over 2"-3" in diameter they do become a road site hazard. For these trees, which will remain smaller, we do have a concern about visibility of speed limit signs and stop signs. We need a minimum of 150' in front of each stop sign posted at

25mph for people to see the signs. For the more likely of the 30 to 35mph that people travel in these subdivisions you would need 200' to 250' for each sign. The Highway Department has distributed a guide for new home builders that specifically states that those trees should not be planted in that area. If they are going to be planted or required as part of the zoning process they need to be on the house side of the sidewalk. Typically the more permanent utilities ie: gas, sewer and water, are located in that strip between the back of curb and the sidewalk. It is important we try not to put any long term improvements on there they may prohibit access to repair or something that may have to be torn out in the future to do repairs or would damage those facilities. There have been comments that we have put these trees in on 146th Street, we have put no trees between the sidewalk or the multi-use path and the curb. That is by intent because of the safety issues regarding signage. There are no underdrains on the median site on 96th Street where we have installed trees. There was an issue that these trees are in a couple of other subdivisions and the subdivisions mentioned most frequently are ones that the commissioners have addressed in the past and in those cases either the underdrains or the streets and underdrains both have been made private so they are under the authority of the homeowners association and it is their responsibility to keep them clean. Mr. Locke stated he does have a concern if we keep the streets as ours and we have the underdrains as privately maintained that we would lose some of the long life of that pavement in the subdivision. Mr. Locke requested the Board support the Highway Department in having these trees removed from the right-of-way.

Ms. Lisa Knapp, representing Kingsborough Subdivision, stated she is the one who initiated the request for this variance. She has obtained signatures from all of the residents who have trees in front of their houses that are in favor of requesting the variance. Ms. Knapp stated her sump pump drainage goes to the rear of the houses. The utility easements are on the other side of the sidewalk. Per Scott Brewer from Carmel zoning, he looked at the original development plan which called for the trees to be placed 10' behind where they are now, but that is in the utility easement not in the area between the sidewalk and the street. Clark asked if it was understood that the underdrain is there? Ms. Knapp stated yes, the landscaper has said the type of drain used there is plastic and the trees should not be able to get through it. Ms. Knapp stated all the jurisdictions around us, Westfield and Carmel, do permit this type of planting. It is planned that we will ultimately be annexed in to Carmel. Since it is a permitted use in Carmel we are asking for a variance for this permitted use until such time we are annexed in to Carmel. Dillinger asked if this is part of the regulated drain? Mr. Steve Baitz stated yes. Dillinger stated even if it is taken in to Carmel it is still part of the county's regulated drain. Clark presented the C120 annexation plan for Kingsborough which will be considered for annexation on July 1st.

Mr. Steve Baitz, Surveyor's Office, stated this is a regulated drain. Mr. Baitz showed a section of drain with roots that did get into the drain. It is a perforated drain tile which allows the water to get in from the road base which helps drain the area. We have had numerous drainage complaints over the past year that we have dealt with roots blocking the drains. We stand behind the Highway Department in their decision that these trees should not be planted in this area. Clark asked if it would be as difficult if the trees were moved back 10', would the roots still find the drain? Mr. Baitz stated we have had issues in other subdivisions where roots have gone as far as 30'. In that particular case it was a willow tree. We have had problems with maple, willow and some of the pear trees. Clark stated it is your understanding that these trees need to be removed? Mr. Baitz stated yes. Even if Carmel does annex this area, the underdrains will still be regulated drains. Clark asked if it is still the county's responsibility? Mr. Baitz stated yes. Dillinger stated

if it were just a problem of giving a variance until Carmel annexes, even though it is a proposed annexation, because Carmel allows it, it would be wise to create the variance. Dillinger stated he is concerned about a regulated drain being the county's responsibility and the Surveyor's office telling us that if we allow it, it will get clogged up and cause problems. Clark stated when we did this with Centennial, did we allow them to take ownership of the subsurface drains? Mr. Locke stated yes the streets and drains, went totally private. The homeowners association is responsible in the event of a back-up. Mr. Jeff Lang, stated he lives in Kingsborough and is the landscaper who planted the trees. As soon as Drees found out they were not to put the trees in, they quit putting them in the subdivision. The homeowners are asking that the homes that have the trees now be allowed to keep them. To move the trees into the yards would interfere with the landscaping that the homeowners have installed. This effects 62 homes. These trees were installed under the direction of Carmel. They will be small ornamental trees. They help with the curb appeal of the homes. Holt asked Mr. Baitz if Kingsborough is set up as it's own drain? Mr. Baitz stated yes. Holt asked if these trees plug up the drain in Kingsborough, surrounding neighborhoods would not have to join in the cost of the drain repair, it would all be on Kingsborough lot owners? Mr. Baitz stated yes. Holt stated if that is the case and Carmel is going to annex in July, which means they would take ownership of the streets, which would be the first thing to fail if the drains plugged and if the Surveyor gets the call from Carmel to replace the drains he would back charge the residents of Kingsborough, so for us to impose our collective wisdom on this situation when the county taxpayers would not be bearing the expense, the residents of Kingsborough would be bearing the expense you could make an argument that we should table this until August to see if the annexation goes through. Holt so moved. Dillinger seconded. Motion carried unanimously. Mr. Locke asked if the highway department should bring this back when the vote for annexation is taken? Clark stated yes. Holt asked that a moratorium be placed on planting on further trees. The Kingsborough residents stated the planting stopped in 2000.

Fall Creek Wesleyan Church: (Tape 1, #1156)

Mr. Locke stated the issue on Fall Creek Wesleyan Church is that there is a sign that has been installed within right-of-way. It is not installed where the permit was pulled with the planning agency and we did not see it until it was up. There are right-of-way markers permanently in place in that area. The Highway Department is requesting that you support them in making sure this structure in our right-of-way is removed and relocated outside of our right-of-way to keep our right-of-ways clear and free of private structures. Mr. Locke stated they would not have directed to get a permit from the county because their permit from the Town of Fishers did not show it within right-of-way. Mr. Steve Bray, Pastor of Fall Creek Wesleyan Church, 11721 Olio Road, stated he just came to the area 10 months ago and was unaware of the history involved with the church with the county assuming that property. His assumption was that the city had jurisdiction over the property. We went to the city to try to follow all the legalities that we possibly could. We had to go to the Board of Zoning Appeals due to the size of the sign being larger than normally permitted. We installed the sign in it's current location based on advice from the city. It was our intent to put the sign as close to the street as we possibly could. We were told over the phone that we could put in 5' away from the sidewalk and that would get us away from any easements. We actually put it 7'. Rev. Bray stated the reasons the sign was left is that our intent was to follow the letter of the law and we would have gone to the county for permits; our neighbors do not object to the location of the sign; the location of the sign is only partially owned

county property, it would not impede any goals that the county has listed regarding our violation which are public safety, future construction and maintenance needs. It is not in the way of any visibility, future construction, there will not be any future construction on Olio Road. We are located far enough off of the storm sewer that if there are any maintenance needs, it should not be a problem. We mow and maintain all of the property now. We did initially give 1 acre of property to the county, the value of that would be over \$50,000 and we did not receive anything back in return for that. It will cost us a significant amount of money to move the sign. We are requesting we be allowed to keep the sign in it's current location. Mr. Locke stated when we did the Olio Road project we made an offer for the property of \$18,500 and made another offer of \$22,000 which was rejected based on appraisers. It went to condemnation and the court determined it had to be given to the county based on the zoning change. Holt stated he understands it is clearly not in compliance. Holt stated the photographs are compelling to accept Pastor Bray's suggestion when you look at the fact there is not a sight distance problem. If we had the church assume liability and a commitment to move it if there was a future need for right-of-way for utility relocation that would cover the interests of the county and save the church a significant amount of money. Holt asked Mr. Howard if he would prepare documentation for Pastor Bray to take back to his governing group, consenting to relocation, costs and assumption of liability? Mr. Howard stated yes. He would put together a letter agreement and have an encroachment permit attached to the agreement for approval at the next meeting. Mr. Locke asked to include if the sign has to be replaced or repaired due to damage, and it is in the water company's easement and if they have to work on the line and then it would have to come down, that the sign would be relocated outside of right-of-way in the future. Pastor Bray stated they would agree to that. Holt so moved. Dillinger seconded. Motion carried unanimously.

Plat Approvals: (Tape 1, #1580)

Meyerrose:

Mr. Steve Broermann presented the plat for Meyerrose for approval. The Highway Department did not approve the subdivision review sheet for this plat. There has been discussion of the need for easement in the future. Dillinger motioned to approve. Holt seconded. Mr. Broermann stated the highway department feels that with the possibility of US 31 becoming a limited access facility in the future that a need for an easement to allow the owner of the plat in question to access a future county road, then an easement should be granted. Mr. Allen Meyerrose, 4915 E. 296th Street, stated he owns this property and there is about 80 acres around it. He understands that sometime they make it a limited access highway, but probably not in his lifetime. At the present time it is not and there are no drawings on the board. The State Highway Department has cleared it and it is ok with them. As far as accessing and putting another easement, he understands one of the possibilities is a side road or access road is farther back than what the property shows. If and when it goes back there it may be closer to put an easement to the east rather than to the north. Mr. Meyerrose discussed the drainage tiles on the property. Mr. Locke stated without an access easement that parcel is landlocked and have to be purchased in its entirety at that time. We felt that it is in the same ownership right now, that if access easement was given to the property it would not be required to condemn the entire property when they do make the limited access right-of-way. We have not asked to take any of his corn or field out of production. We just want the easement from there. We can all assume that US 31, throughout its entirety at some point will have commercial, business and residential along that location. We

want to make sure there is access to that parcel. Mr. Meyerrose stated the entire property is in his name and it is still in the talking stage. Mr. Locke stated there has been discussion on the limited access, but as we do our thoroughfare planning for all of the roads in the county we do acquire right-of-way as needed to handle future improvements. Mr. Meyerrose asked what time frame are we talking about? Mr. Locke stated anywhere from 5 to 30 years. Mr. Locke stated if the property would go to a different owner it would require condemnation of the entire small parcel, there is not an access easement to it. Mr. Meyerrose asked if he would put the entire farm into this? Mr. Howard asked if he would be willing to grant ingress and egress easements somewhere to that little parcel to be determined in the future? Mr. Meyerrose stated absolutely. Mr. Howard stated as long as it is a recorded document. Mr. Locke stated that would be a better resolution since we do not know the exact location of the frontage roads. Mr. Howard stated he will prepare an easement across the surveyed parcel, in favor of the dominant parcel to provide access. Dillinger amended his motion to include that. Holt seconded the amendment. Motion carried unanimously.

Bid Openings:

Mowing:

Mr. Howard stated Linkel Company is the only bidder for mowing. Form 96, Bid Bond, Non-Collision Affidavit and Financial Statements were included. 146th Street Median - \$196,000.00. Southern Roads - \$151,000.00. Northern Roads - \$180,000.00. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation at such time the Highway Department brings them forward for consideration. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Road Cut Permits: (Tape 1, #2371)

Mr. Locke requested approval of a Road Cut Permit. 1) RDCUT 2002-005 - Astbury Environmental Engineering for 96th Street for utility location verification for horizontal bore. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Highway Department:

Mr. Locke requested acceptance of Bonds and Letters of Credit for the Highway Department: 1) HCHD #B-01-0085 - Developers Surety and Indemnity Company Increase-DECREASE Rider for Bond #886578S reducing bond from \$37,960 to \$8,368 on behalf of Estridge Development. 2) HCHD #B-02-0026 - Western Surety Company Permit Bond No. 14420725 issued on behalf of Windsor Grove, LLC in the sum of \$5,000 to install irrigation lines at Towne Road and W. 106th Street, Carmel to expire April 2, 2002. 3) HCHD #B-02-0027 - Travelers Casualty and Surety Company Performance Bond No. 103510281 issued on behalf of Glendale Partners of West Carmel LLC in the sum of \$80,416 for construction of Carwinion Way Cul-de-Sac at West Carmel Block G to expire April 4, 2004. 4) HCHD #B-02-0028 - Developers Surety & Indemnity Company Subdivision Improvements Performance Bond No. 887207F issued on behalf of Weihe Construction Inc. in the sum of \$200,000 for a wooden bridge in the Woods at Williams Creek to expire April 9, 2004. 5) HCHD #B-02-0029 - Merchants Bonding Company Permit Bond No. IN 4260 issued on behalf of Daryl Russell in the sum of \$5,000 for a driveway cut permit for a small farm market to be located on 191st Street, Noblesville and expires March

22, 2003. 6) HCHD #B-02-0030 - Ohio Farmers Insurance Co. Annual Permit Bond No. 5829015 issued on behalf of McDougalle Contracting, Inc. in the sum of \$25,000 to work in right-of-way as plumbing contractor and expiring April 12, 2003. 7) HCHD #B-02-0031 - Travelers Casualty and Surety Company of America Annual Permit Bond No. 010S103719032 issued on behalf of Insight Communications Midwest, LLC in the sum of \$25,000 to expire March 27, 2005. 8) HCHD #B-02-0032 - United States Fidelity and Guaranty Company Performance Bond issued on behalf of Milestone Contractors, LP in the sum of \$881,560 for Resurface Contract 02-1 to expire April 11, 2004. 9) HCHD #B-02-0033 - United States Fidelity and Guaranty Company Payment Bond issued on behalf of Milestone Contractors, LP in the sum of \$881,560 for Resurface Contract 02-1 to expire April 11, 2004. 10) HCHD #B-02-0034 - Travelers Casualty and Surety Company of America Permit Bond issued on behalf of Astbury Environmental Engineering Inc. in the sum of \$10,000 to expire April 15, 2003. 11) HCHD #B-02-0035 - Gulf Insurance Company Subdivision Performance Bond No. B2 1847251 issued on behalf of Crossman Communities Partnership, dba: Crossmann Communities, Inc in the sum of \$141,000 for Bridge #189 in Deer Path - Wolf Run Road over William Lehr Ditch to expire April 15, 2004. 12) HCHD #B-02-0036 - The Hanover Insurance Company Permit Bond No. 1705138 issued on behalf of Eden Enterprises, Inc. in the sum of \$5,000 to expire March 5, 2003. Dillinger motioned to approve. Holt seconded. Motion carried unanimously. Mr. Tom Stevens stated during the annual bidding process the timber industry was in the process of changing from creosote treated timbers to a pinta treatment. Mr. Stevens requested the commissioners allow this as an alternate to the county's timber bridge specifications as outlined. Holt motioned to approve. Dillinger seconded. Motion carried unanimously. Mr. Stevens requested acceptance of the bond, HCHD #B-02-0037 - Western Surety Company Bond #69296050 on behalf of American Timber Bridge & Culvert, Inc. in the amount of \$5,000 for Category 5a, treated timber bridge structures and bridge packages. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit - Highway Department:

Mr. Locke requested release of Bonds and Letters of Credit for the Highway Department: 1) HCHD #B-93-0054 - Hanover Insurance Company Bond BLZ1548912 issued on behalf of Insight Communications Midwest LLC and replaced with Travelers Casualty and Surety Bond 010S103719032 to expire 2005. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Agreements: (Tape 1, #2593)

Bridge #82 Design Exception:

Mr. Locke requested approval of an agreement for design exception for Bridge #82, Crooked Creek Avenue over Cicero Creek. Mr. Locke stated INDOT has reviewed the original design exception and they preferred to list each and every one of the design elements that were being changed or reduced rather than just the design speed limit. Dillinger motioned to approve. Holt seconded. Holt asked what is the design speed going to? Mr. Matt Knight stated 35 mph. Motion carried unanimously.

Bridge #88 Supplemental Agreement No. 1:

Mr. Locke requested approval of Supplemental Agreement No. 1, HCHD #E-01-0014, for Bridge #88, Lacy Road over Long Branch Creek with DLZ Indiana, LLC. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Bridge #73 Supplemental Agreement No. 1:

Mr. Locke requested approval of Supplemental Agreement No. 1, HCHD #E-01-0005 for Bridge #73, 256th Street over Long Branch Creek with DLZ Indiana, LLC. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Bridge #255 Supplemental Agreement No. 1:

Mr. Locke requested approval of Supplemental Agreement No. 1, HCHD #E-01-0001 for Bridge #255, Six Points Road over Teter Brook with First Group Engineering, Inc. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Bridge #80 Utility Agreement - Ameritech:

Mr. Locke requested approval of Utility Agreement, HCHD #M-02-0017 for Bridge #80, 256th Street over Bear Creek, with Ameritech. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Bridge #80 Utility Agreement - American Electric Power:

Mr. Locke requested approval of Utility Agreement, HCHD #M-02-0018 for Bridge #80, 256th Street over Bear Creek, with American Electric Power. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Subdivision Inspection Agreements:

Hayden Run Subdivision Section 1:

Mr. Locke requested approval of Subdivision Inspection Agreements, HCHD #A-02-0004, for Hayden Run Subdivision, Section 1 with Centex Homes and RQAW Consulting Engineers in the amount of \$5,500. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Woods at Williams Creek Subdivision:

Mr. Locke requested approval of an amendment to a Subdivision Inspection Agreement, HCHD #A-01-0014, for Woods at Williams Creek Subdivision with EDIS, Inc. and Williams Creek Woods. This would increase the amount to \$7,150.00. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Bridge #189:

Mr. Locke requested approval of Subdivision Inspection Agreement, HCHD #A-02-0003 for Bridge #189, Wolf Run Road over William Lehr Ditch, with Crossman Communities Inc. and

USI Consultants, Inc. in the amount of \$10,800. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Long Branch Estates Agreement:

Mr. Locke requested approval of an agreement, HCHD #M-02-0014, with Long Branch Estates Homeowners Association for their installation of non-standard signs and posts. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Windsor Grove Landscape Sprinkler System Agreement:

Mr. Locke requested approval of an agreement, HCHD #M-02-0013, with Windsor Grove LLC for installation of landscape sprinkler system in right-of-way at Windsor Grove Subdivision. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Concurrence with Correspondence:

Mr. Locke requested approval of the list of correspondence concerning investigations of requests for signage on Hamilton County roads. Holt motioned to approve. Dillinger seconded. Dillinger asked why would we not put a "Not a Through Street" sign on Hoover Road. Mr. Chris Burt stated the only reason we would use that when there is no outlet out. There is an outlet through the subdivision that can get to Towne, 131st easily. Motion carried unanimously.

Request Permission to Advertise: (Tape 1, #3052)

Bridge #80, 256th Street over Bear Creek:

Mr. Locke requested permission to advertise for bids for replacement of Bridge #80, 256th Street over Bear Creek and sign the title sheets. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Resurface Project 02-5:

Mr. Locke requested permission to advertise for bids for Contract Resurface Project 02-5, Various roads in Noblesville and Jackson Townships. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

State Farm Insurance Grant Application:

Mr. Locke proposed that Hamilton County submit a grant application to State Farm Insurance to help develop a vehicle crash report database and analysis program. This would help us get past accident history in a format that we could use with our GIS system. We would like to get other county agencies to join in this effort. This would provide an analysis tool for all the agencies in the county who would have an interest and are willing to share in the creation of this program. This would also include 200 vehicles throughout the county with GPS units. The State has made major changes in their crash form from two pages to four pages. This would allow those forms to be entered directly into the computer and they can scan for the answers instead of having to data entry every piece of data. Information that is handwritten would not be included. We would scan

in the accident diagram. Mr. Locke stated he will be looking at the grant to cover all the start up costs and two years of costs to put in all the information and develop the programs. After that point it would be up to Hamilton County and local partners to continue that issue. Estimated costs are \$32,000 to \$40,000. It could be substantially less if the State comes through with all their electronic data entry. Currently the State is 18 to 24 months on their data entry on their accidents. Mr. Locke asked if the commissioners would like to look at this, should he move forward and put together a grant application? Holt stated he would like to read the information. Dillinger asked if Mr. Vaughn has read this? Mr. Locke stated he has not seen it, as he just finished it this morning, but he has spoken to him. Clark asked it to be brought back to the next meeting. Dillinger asked that Mr. Vaughn review it also.

Clark left the meeting.

Consultant Selection - Bridge Replacements:

Dillinger motioned to select Floyd E. Burroughs & Associates for Bridge #128, Victory Chapel Road over Dry Run Creek (Wayne Township); USI for Bridge #132, Pennington Road over Weaver Ditch (Wayne Township); and Beam, Longest and Neff for Bridge #257, Lantern Road over Shoemaker Ditch (Delaware Township). Holt seconded. Dillinger and Holt approved unanimously.

National Transportation Week Proclamation:

Dillinger motioned to proclaim May 12-18, 2002 as National Transportation Week in Hamilton County. Holt seconded. Dillinger and Holt approved unanimously.

Bridge #223 Interlocal Agreement with Town of Fishers:

Mr. Locke requested approval of an interlocal agreement between Hamilton County and the Town of Fishers for Bridge #223, Allisonville Road over Cheeney Creek and Allisonville Road from 106th Street to 575' north of 108th Street. Fishers is developing four to five lanes throughout the entire area and they have requested the county widen the structure. We have approximately 2000' of roadway in county jurisdiction. We are agreeing that Hamilton County would purchase right-of-way in that 2000' at a cost up to \$78,000. The county would pay for actual bridge construction costs up to \$400,000. Fishers would provide all engineering design, construction inspection for the road and bridge and pay for the cost of the road within the Hamilton County stretch. Mr. Locke stated 50% of the \$78,000 may have to come out of Highway COIT Fund for right-of-way. The rest could come out of Cum Bridge. Dillinger motioned to approve. Holt seconded. Dillinger and Holt approved unanimously.

Small Structures:

Dillinger asked if the issue on small structures has been resolved? Mr. Locke stated yes.

Holt called a recess at 3:10 pm.

Clark returned and called the meeting back to order at 3:25 pm.

Ordinance 4/22/02/B, Amendment to PUD for Verizon Wireless Music Center: (Tape 2, #146)

Mr. Chuck Kiphart stated Verizon Music Center requested a amendment to the Planning and Development Ordinance for their facility to establish a permanent 32" x 64" open sided catering and cooking pavilion. This will replace a temporary tent facility. The Hamilton County Plan Commissioner approved the amendment on April 9, 2002 by a vote 8-yes, 0-no. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Unsafe Building:

Burnham Walk, Carmel:

Mr. Chuck Kiphart stated 2429 Burnham Walk, Carmel in Laurel Lakes Subdivision was brought to our attention by the City of Carmel and the Laurel Lakes Neighborhood Association. This is a partially completed residence. Construction started in 1999 and continued for six months and then construction stopped. The property owner and builder was an Axel Essler. Since starting to build the house he has filed bankruptcy in the State of Indiana which has been approved by a court. He now lives in Naples, Florida. Mr. Essler has stated he has not been on the property since 2000. The construction loan was done by Union Planters Bank. They have hired an attorney who has been working with the subcontractors who are owed over \$200,000. There is a foreclosure hearing scheduled in Hamilton County Superior Court 1 to deal with the subcontractors. A couple of subcontractors have been asked to be released from the foreclosure hearing. There is \$6,300 owed in back taxes. If the taxes are not paid by May 15th then it will go to Sheriff's sale this fall. The property was secured this morning. All doors are locked. There is about 12" to 14" of water in the basement which has been there since 2000. The lake behind the property was not properly lined. There is a continuous flow of water, which properly started this problem to begin with. Mr. Howard asked if he has been discharged from bankruptcy? Mr. Kiphart stated yes. Holt stated he would suggest doing nothing. The bank will resolve it, if it is in foreclosure. Mr. Howard suggested that Mr. Kiphart write a letter stating we considered it and we may reconsider it in another 180 days if nothing happens. Holt asked Mr. Kiphart to pull the docket sheet and give him a call later in the week. Holt motioned to table. Dillinger seconded. Motion carried unanimously.

Ordinance 4-22-02-A, Amendment to Hamilton County Thoroughfare Plan:

Mr. Kiphart requested approval of Ordinance 4-22-02-A, a proposed ordinance to amend the Hamilton County Comprehensive Plan, Ordinance No. 12-05-95, and the Hamilton County Thoroughfare Plan and Map as Amended, an integral component of the Hamilton County Comprehensive Plan. This amendment concerns the alignment of Cammack Road and the extension of Little Chicago Road at 216th Street to Devaney Road at 236th Street. This was approved by the Hamilton County Plan Commission on April 9, 2002 by a 7-yes and 1-no vote. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Public Hearing: (Tape 2, #488)

Petition to Vacate Right-of-Way at 146th Street and Oak Ridge Road:

Clark opened the Public Hearing for the Petition to vacate right-of-way at 146th Street and Oak

Ridge Road. No public appeared. Clark closed the Public Hearing. Mr. Howard introduced Ordinance 4-22-02-C, Vacating Right-of-Way. Holt motioned to approve the introduction of Ordinance 4-22-02-C. Dillinger seconded. Motion carried unanimously.

Manatron Contract Addendum:

Ms. Debbie Folkerts requested approval of an addendum to the contract between Hamilton County and Manatron for assessment software. The Indiana Department of Local Government Finance has requested this addendum for all Manatron contracts. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Commissioner Committee Reports:

E-911 Service Agreement Addendum #2 for Carmel :

Clark requested approval of Addendum #2 to the Enhanced 911 Service Agreement with Ameritech for Carmel to add one additional answering position. Holt motioned to approve. Clark seconded. Holt and Clark approved. Dillinger opposed. Motion carried.

Animal Control Ordinance:

Clark stated she will be meeting with the township assessors, Auditor, Sheriff, and County Attorney to acquaint them with the new Animal Control Ordinance. The meeting will be Monday, April 29th at 11:45 am for a brown bag lunch in Conference Room 1A.

Attorney: (Tape 2, #644)

Liability Trust Claim:

Mr. Howard requested approval of a Liability Trust Claim payable to Baker and Daniels in the amount of \$2,538.12. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Sheridan Plan Commission Appointment:

Holt stated we have received a letter from Dave Tudor requesting an appointment to replace Barbara Rogers who resigned from the Sheridan Plan Commission. Holt motioned to appoint Gary Merrill. Dillinger seconded. Motion carried unanimously.

Administrative Assistant:

County Park Board Wage Determination Board Appointment:

Mr. Fred Swift stated the Hamilton County Park Board has requested a Wage Determination Board Appointment for construction of a new maintenance building at Coxhall Park. Dillinger motioned to appoint Dave Burtner. Holt seconded. Motion carried unanimously.

Right-of-Way Acquisition:

206th Street and Cumberland Road Intersection Project:

Mr. Howard requested approval of a letter agreement to Larry K. And Judy K. Driver, 20601 Cumberland Road, concerning right-of-way acquisition for the 206th Street and Cumberland Road intersection project. Dillinger motioned to approve. Holt seconded. Motion carried unanimously. Mr. Howard thanked Tim Knapp for his work on this issue.

Sheriff:

Road Crews:

Captain Dan Stevens requested permission to allow road crews consisting of inmates, to work this summer. Clark asked if we had to hire this work out, what would the costs be to the county? Mr. Locke stated an hourly wage would be \$9.00 to pick up trash and cut branches.

Auditor: (Tape 2, #874)

Baker, Donelson Agreement:

Ms. Robin Mills requested President Clark's signature on the agreement with Baker, Donelson, Bearman & Caldwell for the lobbyist in Washington DC. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit - Drainage Board:

Ms. Mills requested release of Bonds and Letters of Credit for the Drainage Board. 1) HCDB - 2001-00147 (HCDB -B00-0024) - Developers Insurance Company Performance Bond No. 860931S for the offsite reconstruction of the Fred E. Hines Drain at Crestview Sec. 1 in the amount of \$13,524.00. Dillinger motioned to approve. Holt seconded Motion carried unanimously.

Vendor Claims:

Ms. Mills requested approval of Vendor Claims to be paid April 23, 2002. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Payroll Claims:

Ms. Mills requested approval of Payroll Claims for the period of March 16 thru March 30, 2002 to be paid April 12, 2002. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Approval of Minutes:

Holt motioned to approve the minutes of April 8, 2002. Clark seconded. Holt and Clark approved. Dillinger abstained. Motion carried. Holt motioned to approve the minutes of March 25, 2002. Dillinger seconded. Motion carried unanimously.

Ordinance Codification:

Mr. Howard stated he will have the ordinances ready for codification by May 1, 2002.

Clark recessed the meeting.

Youth Service Awards:

The Commissioners presented Youth Service Awards to the following: Kathryn Cochran, Sheridan; Megan Vawter, Hamilton Heights; Jenn Milli, Hamilton Southeastern; Shannon Cherry, Noblesville; and Stacy Berry, Westfield.

Meeting adjourned.

Correspondence:

County Ordinance Codification Memo from Robin Mills

INDOT Resolution Establishing Traffic Controls on SR 32

Beam, Longest & Neff Notice of Transmittals:

APPROVED

Hamilton County Culvert Plans - HCHD #PB-99-0015
BOARD OF COMMISSIONERS

HAMILTON COUNTY

Bridge No. 168, 116th Street over Mud Creek

IDEM Request for Approval Voidance Confined Feeding Operation:

Paul G. Thieme - Farm ID #190

IDEM Notice of Sewer Permit Applications:

Westfield Master Plan, Phase I - Westfield

IDEM Notice of Appeal Rights:

The Highlands at Stony Creek, Section 2B - Noblesville

Sumerlin Trails, Section Six and Seven - Fishers

ATTEST

Village of West Clay, Section 5001 - Carmel

Sagamore - Noblesville

IDEM Notification of Application Receipt:
Auditor

Robin M. Mills,

Panhandle Easter Pipe Line Co., Zionsville

Present:

Sharon R. Clark, Commissioner
Steven C. Dillinger, Commissioner
Steven A. Holt, Commissioner
Robin M. Mills, Auditor
Kim Rauch, Executive Secretary
Fred Swift, Administrative Assistant to Commissioners
Michael A. Howard, Attorney
Wayne A. Farley, Deputy
Tom K. Stevens, Highway Director
Les Locke, Highway Engineer
Donna Johnston, Highway Public Service Representative
Virginia Hughes, Administrative Assistant to Engineer
Jim Neal, Highway Project Engineer
Dave Lucas, Highway Inspector
Robert Chadwell, Highway Inspector
Steve Broermann, Highway Technical Engineer
Mark Fisher, Highway Staff Engineer
Christopher Burt, Highway Staff Engineer
Tim Knapp, Highway Right-of-Way Specialist
Matt Morasch, Transportation Development Engineer
Matt Knight, Highway Staff Engineer
Mike McBride, Small Structure Staff Engineer
Faraz Hahn, Highway Department
Kate Lewis, Daily Ledger
Dick Frost, Public Comments
Steve Bray, Fall Creek Wesleyan Church
Martin Upchurch, Fall Creek Wesleyan Church

Brian Boyer, Kingsborough Subdivision

Allen Meyerrose, Plat Approval

Raja Srivastava, Kingsborough Subdivision

Larry Pearson

Jeffrey Lang, Kingsborough Subdivision

Beckie Schroeder, Kingsborough Subdivision

Lisa Knapp, Kingsborough Subdivision

Jim Gillaspy, Indianapolis Star

Becki Wise, USI

Judy R. Levine, County Council

Floyd Burroughs, FEBA

Brett Quandt, Quandt, Inc.

Debbie Folkerts, Assessor

Chuck Kiphart, Plan Commission

Dan Stevens, Sheriff's Department